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**WIRELESS TELECOMMUNICATIONS BUREAU FINDS
CTIA AND PCIA QUALIFIED TO ADMINISTER THE
RELOCATION COST-SHARING PLAN FOR LICENSEES IN THE 2.1 GHZ BANDS
(WT Docket No. 02-353, ET Docket No. 00-258)**

By this Public Notice, the Wireless Telecommunications Bureau ("WTB" or "Bureau") concludes that the public interest is best served by designating more than one entity to administer the relocation cost-sharing plan for licensees in the 2.1 GHz bands. The Bureau also finds CTIA and PCIA, the two entities that filed proposals, qualified to serve as clearinghouse administrators.

On June 15, 2006, the Bureau released a *Public Notice* soliciting proposals from entities interested in serving as a clearinghouse and inviting public comment on any proposals filed.¹ PCIA—The Wireless Infrastructure Association (PCIA) and CTIA—The Wireless Association® (CTIA) each filed a proposal to serve as a clearinghouse to facilitate cost-sharing for the relocation of both Fixed Microwave (FS) and Broadband Radio Service (BRS) incumbents in the 2.1 GHz band.² Five parties filed comments related to those proposals, and PCIA filed reply comments.³ Two commenters specifically support designating PCIA as a clearinghouse⁴ and one commenter specifically supports selecting CTIA.⁵ Two

¹ See Wireless Telecommunications Bureau Opens Filing Window for Proposals to Develop and Manage the Clearinghouse that Will Administer the Relocation Cost Sharing Plan for Licensees in the 2.1 GHz Bands, ET Docket No. 00-258, WT Docket No. 02-353, *Public Notice*, 21 FCC Rcd 6616, 6616-17 (WTB 2006) (*Public Notice*). See also Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Service to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems, ET Docket No. 00-258, Service Rules for Advances Wireless Services in the 1.7 GHz and 2.1 GHz Bands, WT Docket No. 02-353, *Ninth Report and Order and Order*, 21 FCC Rcd 4473 (2006) (*recon. pending*) (*AWS Relocation and Cost Sharing Report and Order*).

² CTIA—The Wireless Association® Clearinghouse Plan, filed July 17, 2006 (CTIA Proposal); Clearinghouse Proposal of PCIA – The Wireless Infrastructure Association, filed July 17, 2006 (PCIA Proposal). Comments on the two proposals filed or on other issues related to the Bureau's selection of a clearinghouse were due on July 31, 2006; replies were due on August 14, 2006. See *Public Notice*, 21 FCC Rcd at 6616. The *Public Notice* stated that WTB would select one or more entities to operate as a clearinghouse(s) that will administer the cost-sharing plan and that references to the clearinghouse in the singular were for convenience only. See *Public Notice*, *id.* at n.1 citing 47 C.F.R. §§ 27.1162, 27.1178.

³ Comments were filed by Keller and Heckman LLP (Keller and Heckman), Association for Maximum Service Television Inc. (MSTV), Sprint Nextel Corporation (Sprint Nextel), T-Mobile USA, Inc. (T-Mobile), and The Wireless Communications Association International, Inc. (WCA). PCIA filed reply comments.

⁴ See Keller and Heckman comments and MSTV comments.

commenters specifically support designating both PCIA and CTIA as clearinghouses and none of the commenters oppose the selection of multiple clearinghouse administrators.⁶ However, both CTIA and Sprint Nextel observe that in the 1.9 GHz relocation process, the market ultimately could support only one clearinghouse. CTIA believes this experience suggests that a single clearinghouse in the 2.1 GHz band may be appropriate and most efficient⁷ while Sprint Nextel observes that the decision to establish multiple clearinghouses at the outset created incentives and expectations that helped make the surviving manager more efficient.⁸ CTIA and PCIA each state that it is capable and willing to work with other clearinghouse managers if we designate multiple clearinghouses.⁹

Having reviewed the proposals and the responsive record, the Bureau concludes that the public interest is best served by designating more than one clearinghouse. Specifically, we find that the benefits of having two or more clearinghouses outweigh any disadvantages. By offering participants a choice, we increase the incentive for both clearinghouses to operate in an efficient manner, thus benefiting the consumers of these services.¹⁰ The Bureau's finding is consistent with the Commission's goal of fostering competition in the telecommunications marketplace as well as prior Commission determinations regarding similar services, including database managers for the 70-80-90 GHz service¹¹ and frequency coordinators for the private land mobile radio services.¹² Moreover, the Bureau designated multiple clearinghouses for PCS,¹³ and the Commission has noted that management of the Part 24 cost-sharing rules by third-party clearinghouses has been highly successful.¹⁴ Similarly, we believe giving participants in the 2.1 GHz band cost-sharing plan the option to select from more than one clearinghouse will lead to more cost-effective service.

The Bureau further finds that both CTIA and PCIA are qualified to serve as clearinghouses. By the instant public notice, we advise CTIA, PCIA, and any other interested persons, to begin preparing their clearinghouse operations. The Bureau will issue a subsequent Order setting forth details of the clearinghouses' duties and responsibilities.

⁵ See T-Mobile comments.

⁶ See Sprint Nextel comments at 2-3 and WCA comments at 2-3.

⁷ CTIA Proposal at 14.

⁸ Sprint Nextel Comments at 3.

⁹ CTIA Proposal at 14 ("CTIA is committed to cooperate the extent necessary with any other entity accepted by the FCC"); PCIA Proposal at 6-7 (PCIA seeks a non-exclusive designation and is confident in its ability to establish an effective methodology to coordinate information regarding cost-sharing transactions among multiple clearinghouses).

¹⁰ See, e.g., Sprint Nextel Comments at 2-3.

¹¹ See Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands, WT Docket No. 02-146, *Report and Order*, 18 FCC Rcd 23318, 23340-41 ¶ 51 (in delegating authority to WTB to select a database manager(s) for the 70-80-90 GHz service, the Commission expected the benefits of competition to be considered during the selection process).

¹² See *id.* at n.151 citing Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services, *Second Report and Order*, 12 FCC Rcd 14307, 14,328 ¶ 40 (1997). See also Amendment of Part 90 of the Commission's Rules to Expand Coordination of the 800 MHz General Category Channels, PR Docket No. 92-209, *Report and Order*, 8 FCC Rcd 3626 (1993).

¹³ See Amendment of the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, WT Docket No. 95-157, *Memorandum Opinion and Order*, 11 FCC Rcd 9394, 9401 ¶ 23 (WTB 1996).

¹⁴ See *AWS Relocation and Cost Sharing Report and Order*, 21 FCC Rcd at 4518 ¶ 83.

We remind all interested persons that claims for reimbursement under the cost-sharing plan are limited to relocation expenses incurred on or after the date when the first AWS license is issued in the relevant AWS band.¹⁵ We also remind all interested persons that this proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁶ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.¹⁷ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission’s rules.¹⁸

This action is taken under delegated authority pursuant to sections 0.131, 0.331, and 27.1162 of the Commission’s rules, 47 C.F.R. §§ 0.131, 0.331, 27.1162.

For further information, contact Mary Woytek, Broadband Division, Wireless Telecommunications Bureau, at (202) 418-2487.

By the Acting Chief, Wireless Telecommunications Bureau

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¹⁵ See 47 C.F.R. § 27.1166(a).

¹⁶ See *Public Notice*, 21 FCC Rcd at 6621 citing 47 C.F.R. §§ 1.1200(a), 1.1206.

¹⁷ 47 C.F.R. § 1.1206(b).

¹⁸ *Id.*